

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOHN T. SCULL,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-309-A

PATRICK K. HENNEGAN,  
ROGER TREVINO and  
JOHN P. BARTOLOMEI,  
BRIAN DEL PORTO,  
NIAGARA FALLS REDEVELOPMENT LLC,  
11TH STREET PROPERTIES LLC,  
CLARKSVILLE LAND COMPANY LLC,  
HOWARD MILSTEIN (Owner NFR),  
ANTHONY BERGAMO (President NFR),  
CITY OF NIAGARA FALLS NEW YORK,  
THOMAS G. EWING,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 24, 2018, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 101), recommending that Defendant Anthony Bergamo be dismissed from this action.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, Defendant Anthony Bergamo is dismissed from this action, and the Clerk of Court shall take all

steps necessary to terminate him as a defendant. The case is referred back to Magistrate Judge McCarthy for further proceedings.

IT IS SO ORDERED.

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 21, 2018